

Florence, New Jersey 08518-2323  
October 16, 2006

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairperson Hamilton-Wood called the meeting to order at 7:33 P.M. followed by a salute to the flag.

Chairperson Hamilton-Wood then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Councilman John Fratinardo	Philip F. Stockhaus III
Mayor Michael J. Muchowski	Mildred Hamilton-Wood
Thomas Napolitan	Gene DeAngelis
John T. Smith	Sean Ryan

ABSENT: Dennis A. O'Hara

ALSO PRESENT: Solicitor Nancy T. Abbott  
Engineer Dante Guzzi  
Planner Carl Hintz

## RESOLUTIONS

### **Resolution PB-2006-49**

**Granting Preliminary Major Site plan approval to Frank Scamporino for construction of a retail center and financial institution on Block 159, Lot 5.02, located in an HC Highway Commercial Zoning District.**

Motion of Fratinardo, seconded by Smith to approve Resolution PB-2006-49.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, Smith, Stockhaus Hamilton-Wood  
NOES: None  
ABSENT: O'Hara

### **Resolution PB-2006-50**

**Granting amended Preliminary and Final Major Site plan approval with variances and waivers to Fine Foods and Spirits, Inc. for a restaurant and bar on Block 165.01, Lot 11.02, located in an HC Highway Commercial District.**

Motion of Fratinardo, seconded by Napolitan to approve Resolution PB-2006-50.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, Smith, Stockhaus, Hamilton-Wood  
NOES: None  
ABSENT: O'Hara

**Resolution PB-2006-53**

**Granting Final Major Site plan approval to Frank Scamporino for construction of a retail center and financial institution on Block 159, Lot 5.02, located in an HC Highway Commercial Zoning District.**

Motion of Fratinardo, seconded by Smith to approve Resolution PB-2006-53.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, Smith, Stockhaus,  
DeAngelis  
NOES: None  
ABSENT: O'Hara

**Resolution PB-2006-54**

**Continuing the application of Joseph Gallina for Preliminary Major Site plan approval with bulk variances for Block 110, Lots 3.01 and 8.01 located in a NC Neighborhood Commercial District.**

Motion of Fratinardo, seconded by Smith to approve Resolution PB-2006-54.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, DeAngelis, Ryan  
NOES: None  
ABSENT: O'Hara

**Resolution PB-2006-55**

**Denying submission waivers and deeming incomplete the application of ALBAX, LLC for Preliminary and Final Major Subdivision approval for Block 100, Lot 8.03, located in an RA Low Density Residential Zoning District.**

Motion of Fratinardo, seconded by DeAngelis to approve Resolution PB-2006-55.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, DeAngelis, Ryan  
NOES: None

ABSENT: O'Hara

**PB-2006-56**

**Denying the submission waivers and deeming incomplete the application of CBC New Home Building for Preliminary and Final Subdivision approval and Preliminary and Final Major Site plan approval for Block 171.01, Lot 1.01 located in an AGR Agricultural Zoning District.**

Motion of Napolitan, seconded by DeAngelis to approve Resolution PB-2006-56.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Muchowski, Napolitan, DeAngelis, Ryan  
NOES: None  
ABSENT: O'Hara

**MINUTES**

Motion of Fratinardo, seconded by Smith to approve the Minutes from the regular meeting of September 18, 2006 as submitted. Motion unanimously approved by all members present.

**CORRESPONDENCE**

Motion of Smith, seconded by DeAngelis to receive and file Correspondence A through M. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood called for application PB#2006-21 for CBC New Home Building. Applicant is requesting Preliminary and Final Major Subdivision and Preliminary and Final Major Site plan approval with bulk variances for property located off of Burlington-Columbus Road, Block 171.01, Lot 1.01.

Mayor Muchowski stated that there was a large group of residents in attendance, most of who reside in Burlington Township. He stated that some have received notice and some just have questions regarding the process and the schedule of events regarding this application. Mayor Muchowski said that he had explained that this is simply a completeness hearing on this application that is typically a procedural hearing regarding the checklist and submission items. The public in attendance wanted to know when and how they could discuss the substance of the application. Mayor Muchowski requested that an overview of the process of a Land Use application. He asked if it would be appropriate to open the meeting to public comment. Chairperson Hamilton-Wood stated that she was suggesting that the meeting not be opened for public comment at this time. This meeting was for the purpose of completeness only. The Board is taking a look at the documents that have been submitted and determining whether or not they are sufficient for the substantive hearing that will take place at the November meeting unless the applicant delays it beyond next month. She stated that there would be no reason for the

Board not to hear it next month unless the applicant so requests. Chairperson Hamilton-Wood stated that public notice is given so that if the Board chooses to do so they can proceed to the substantive hearing, but in this case there was an insufficient notice that the Board's solicitor can speak about.

Mayor Muchowski asked if someone had a procedural question could that be asked. Chairperson Hamilton-Wood stated that Solicitor Abbott would explain the hearing procedure.

Solicitor Abbott gave an overview of the application process to educate the public in attendance. She stated that the public was given notice because sometimes, and this is really more the exception than the rule, that the application is heard for completeness and at the same time can proceed to a hearing on the merits of the application. The only way the Board can hear the merits of the application is if proper notice has been given. This is why the applicant will give notice even in the issue of completeness in the event that the application is deemed complete and the Board deems to hear it.

Solicitor Abbott stated that as far as this application goes the notice that was provided did not meet the statutory requirements in that it did not include the 2 variances that were required. It did contain a statement that the applicant is requesting any variances that may be required pursuant to this application but it didn't list the variances that the applicant is seeking. Because of this the notice was deficient.

Solicitor Abbott stated that if the application is deemed complete it would be scheduled for a hearing on the merits of the application at the next scheduled meeting. She stated that the property owners would get notice of that because the applicant is required to re-notice all property owners within 200' feet of the site and to publish it in the newspaper.

Chairperson Hamilton-Wood said just to re-iterate the notice given for tonight was deficient so even if the application is deemed complete the Board would not be permitted to hear any substantive issues because of the improper notice.

Mayor Muchowski said that procedurally this is an application where the roadway is coming through Burlington Township. He asked how it should be handled procedurally between the two Townships. He stated that he had asked the Clerk of the Board to contact Burlington Township about the approving resolution and any information regarding the prior subdivision that allowed for the Sante Fe development that left and opening or an entranceway into the remaining parcel of land. Mayor Muchowski asked if procedurally this applicant needs any other approvals in Burlington Township or does Florence need to do anything in conjunction with Burlington Township since access to the site is at this point solely through Burlington Township.

Solicitor Abbott stated that she had a conversation with Scott Hatfield, the Burlington Township Assistant Engineer, who is in attendance at the meeting. She stated that the entranceway into this development off of Arrowhead Drive is a paper street. This is a street that is shown on the tax map as a legal street, but has just not yet been approved.

What is going to have to occur is that Burlington Township Council is going to have to approve the improvement of that street. The applicant will be responsible of paying for the improvement. There is an issue of the ongoing maintenance of the street. There are also open issues as far as any other possible means of entrance into that development. Any approval that the Board granted for the subdivision would be subject to the condition that the applicant obtains the approval of the Burlington Township Council to have that street open.

Scott Hatfield, Assistant Township Engineer and Zoning Board Engineer of Burlington Township said he was here representing Burlington Township. Mr. Hatfield stated that he had the documents that had been requested by Mayor Muchowski and they would be forwarded to the Board office. Mr. Hatfield stated that they had also submitted a letter to the Board Clerk that was listed on the agenda.

Mr. Hatfield said that Burlington Township Council needed to approve the construction improvements to the paper street. He stated that Burlington Township Council as part of their decision making process will want to look at the big picture, including drainage issues, environmental issues and maintenance issues. He stated that he had requested a full application including the drainage calculations from Mr. Colaguori.

Mr. Hatfield said that after the meeting he would go into the hallway and answer any questions that the residents might have.

Mayor Muchowski assured the public in attendance that they would be given the opportunity to be heard at the appropriate time during the hearing on the substantive issues. He asked Solicitor Abbott to give a brief description of completeness.

Solicitor Abbott stated that after an application is filed it does not become an official application until it is deemed complete. Once the Board is satisfied that everything on the checklist has been submitted to the Board or a waiver has been granted the application has been deemed complete. At this time the clock starts running. Once an application is deemed complete the Board has a certain time period to decide the application. She stated that for this application because there are variances required once the application is deemed complete then the Board has to either deny it or approve it within 120 days. Completeness gives the application official status and starts the clock running.

Louis Colaguori, attorney for the applicant, said that they had had the opportunity to review the engineer's letter of October 11, 2006. The letter states that the application is complete except for a few items that will be provided by the next meeting. Two waivers are required.

The first is for permeability tests for each of the on-site septic systems. Attorney Colaguori stated that it was his understanding that the Burlington County Health Department did witness the test pits that were drawn and they indicated that it was not necessary from their standpoint to have any further permeability tests.

The other waiver is for half cross sections at every 50' along the road. The applicant is submitting a profile of the typical cross section. Attorney Colaguori said that he believed that the applicant's engineer had spoken to Engineer Guzzi about this and that it would be satisfactory.

Engineer Guzzi said that the indication from the applicant's engineer is that it is a typical cross section, so it would be the same cross section for every 50' along the proposed road. Engineer Guzzi stated that he does not have a problem with this waiver request.

Engineer Guzzi stated that there was one other issue. This application is for Preliminary and Final approval so they have to look at the requirements for both Preliminary and Final. The one additional item that is required for Final is the subdivision plan in accordance with the map filing law. There are a couple items on the subdivision plat that was submitted that does not meet the requirements of the Final approval.

Attorney Colaguori said that he agreed with Solicitor Abbott that the notice that had been given was not sufficient. He stated that on the subsequent notice all variances that are requested would be listed.

Attorney Colaguori stated that the applicant is aware of the concern of the surrounding property owners regarding drainage. He stated that there had been a couple of meetings regarding the drainage issue. At this point the applicant sees no problem with moving the drainage basin away from the Burlington Township property line and putting it on the other line. He stated that before the next meeting there would be a revision to the plan regarding this drainage issue. The current location of the drainage basin was chosen because this was the low point on the site, but they feel that they can configure it somewhere else.

Mayor Muchowski asked if it would be appropriate to forward copies of the revised plan to Burlington Township. Attorney Colaguori stated that they would provide copies to Mr. Hatfield at Burlington County.

Planner Hintz asked if the applicant had a wetlands delineation or a letter of exemption. The applicant's engineer Patrick Ennis stated that the plans would be filed with the Department of Environmental Protection for the wetlands determination. Planner Hintz stated that this would be a submission waiver, but since the applicant is asking for Final approval this would be required.

Chairperson Hamilton-Wood stated that it is the Board's practice to do Preliminary and Final at different times. Attorney Colaguori amended the application to be for Preliminary only.

Solicitor Abbott stated that for completeness only there are 3 submission waivers – permeability tests for the septic system, half cross sections along the road and filing of plans showing the wetlands delineation.

Chairperson Hamilton-Wood asked for an explanation of the waiver for the permeability tests. Engineer Guzzi said that for each individual lot there would be a septic system. Burlington County required that test pits be constructed. Typically the permeability tests are done on the existing soil or they may waive that if those septic systems are going to be soil replacement (where special septic sand is brought in). If the County thinks that the existing soil is good they can waive the requirement for the permeability tests. Mr. Ennis stated that the County has waived this because the soil is good. Mayor Muchowski asked if there was confirmation of this? Engineer Guzzi stated that the County doesn't give documentation. He said that they could call the County and speak to Bob Barnes to verify that they witnessed the pits. Member Fratinardo stated that he would like the Board to get verification on that because in Florence there have been problems in the past with septic systems that had been approved by the County. Engineer Guzzi said that any approval would be conditioned on approvals of all the outside agencies and building permits could not be obtained without approved septic and wells.

Chairperson Hamilton-Wood said that at this time for the purpose of completeness there are 3 submission waivers and the rest of the items on the checklist have been submitted.

Mayor Muchowski asked about a letter that had been received from attorney Alan Zublatt who is representing the homeowner at 92 Arrowhead. He asked if there was anything in that letter which would prevent the Board from deeming the application complete at this time?

Solicitor Abbott answered that she did not believe so. She said that there was an issue raised in the letter regarding the jurisdiction of the Planning Board to hear this application because of the fact that the drainage basin was on an individual lot. Solicitor Abbott stated that she had researched this issue and she is confident that pursuant to MLUL specifically NJSA 40:55D-95 and pursuant to the Florence Township Code section 91-75 regarding the stormwater regulations that this Board can appropriately take jurisdiction of this application despite the drainage plan that is proposed. Solicitor Abbott stated that it is appropriate in this case that if the application is deemed complete the motion should include the Board having jurisdiction to hear this application.

Motion of Muchowski, seconded by Stockhaus to deem the application complete with the Planning Board assuming jurisdiction of this application and all lots therein identified and also granting submission waivers for the cross section of the road, permeability tests for the septic and for the filings of the wetland determination.

Upon roll call the Board voted as follows:

YEAS:	Fratinardo, Muchowski, Napolitan, Smith, DeAngelis, Hamilton-Wood
NOES:	None
ABSENT:	O'Hara

Mr. Hatfield said there were two issues that had come up at the Burlington Township Council level regarding this application. He stated that the developer Mr. Carter had

made certain representations and Mr. Hatfield wanted to ask the Board if these representations were true. Mr. Hatfield said that Mr. Carter had represented that there is no other means of ingress/egress available except through this paper street in Burlington Township. Mr. Hatfield wanted to make sure that someone in Florence Township had looked at this and determined that yes this property is landlocked. Chairperson Hamilton-Wood stated that the Board would have to direct one of their professionals to look into this. Mayor Muchowski stated that he had the same question and it would be investigated.

Mr. Hatfield said that Mr. Carter represented that he had had conversations with Florence Township in regards to who will pick up trash, plow and maintain this road. Mr. Carter stated that Florence Township would accept dedication of this particular roadway. Florence Township would be responsible for all maintenance, plowing and trash pickup. He asked if this was true. Chairperson Hamilton-Wood stated that the Board was not able to answer this question. She stated that conversations may have taken place at another level of government, but the Planning Board had no way of knowing that. Mayor Muchowski stated that Mr. Carter was represented by an attorney. He assured Mr. Hatfield that Florence Township had the same concerns that Burlington Township and the residents had.

The Board took a 5 minute break. The Board returned to the regular order of business.

Chairperson Hamilton-Wood called for application PB#2005-13 for Cream-O-Land, Inc. Applicant is requesting amended Preliminary and Final Major Site plan approval with bulk variances for property located at 529 Cedar Lane, Block 155.47, Lots 12.01 and 12.03.

Chairperson Hamilton-Wood stated that the Board had received correspondence from attorney Arren S. Goldman requesting that the application be continued until the November 20, 2006 meeting of the Board. Chairperson Hamilton-Wood asked if it was appropriate to continue this application as it has been continued several times already. Solicitor Abbott said that the application had been continued several times and the applicant came to the Board because they were in violation of the ordinance and they remain in violation. She stated that the Board's options are to either continue the application at the request of the applicant or to deny the application without prejudice.

Chairperson Hamilton-Wood asked if the Board could continue the application at this time with a letter sent to the applicant stating that this will be the final continuance and that they are in violation of their current site plan.

Motion of Stockhaus, seconded by Napolitan to continue with the condition as previously stated. Motion unanimously approved by all members present.

Chairperson Hamilton-Wood called for application PB#2006-16 for Joseph Gallina. Applicant is requesting Preliminary Major Site plan approval with bulk variances for property located at 2107 Route 130 South, Block 110, Lots 3.01 and 8.01.



Jonas Singer, attorney for the applicant stated that this matter was deemed complete by the Board at the August meeting and had been continued at the applicant's request at the September meeting. The applicant was thereafter able to meet with the Board's engineer and responded to much of the comments on the Engineer's report.

Solicitor Abbott swore in Eric Evers. Mr. Evers stated that he was a professional land surveyor and a professional engineer. He stated that he had graduated from Drexel University in 1991. Mr. Evers stated that he had testified before many Boards in New Jersey. The Board accepted Mr. Evers as a professional engineer.

Mr. Evers said that the applicant was looking to rehab an existing restaurant building that is to the southwest of the site. They are going to add an additional retail store in the center of the site. Prior to this application Mr. Gallina had applied for approvals on Lot 8.01, which comprises 2/3 of the site. Later on he added Lot 3.01 and came up with the concept for the additional retail building. This property is zoned NC Neighborhood Commercial.

Mr. Evers stated that he had met with Engineer Guzzi and discussed the layout of the parking area, the entrance of which was directly opposite the gap between the grass islands on Route 130. Engineer Guzzi expressed concern that NJDOT might not be amenable to that type of an entrance. Subsequently Mr. Evers met with NJDOT and under the current policy of the state, entrances opposite gaps in the islands are not acceptable. Rather than close down the gaps because they want some of the gaps for emergency access NJDOT suggested that the applicant move the entrance to the proposed development to the north. The applicant complied with this. They realigned the entrance and the exit and moved the proposed curb about 3' closer to the right of way line in order to give a larger shoulder and decel lane to the commercial site.

Mr. Evers stated that based on a suggestion by Engineer Guzzi they reduced the lengths of some of the parking spaces to the southeast, adjacent to Route 130 from 20' to 19'. This gave a driveway width of 25' in the front rather than 24'. They also reduced the length of the parking stalls to the northeast to again give a 25' drive aisle. In order to give the larger driveway that NJDOT wanted they lost 1 parking space in the front portion, which they added to the northerly side. This pushed the curb back toward the buffer line. Now they are showing approximately 30' in the back of the building giving a larger drive aisle in the back for truck parking.

Engineer Guzzi said that he had met with Mr. Evers. He had some concerns with on site circulation. There was a variance requested for 24' drive aisles where 25' was required. He suggested that on the perimeter parking where there is the opportunity for overhang over the curb if these spots were reduced one foot this would add the foot to the drive aisle.

Mayor Muchowski said that on the plan the alley is depicted as vacated. He said that he thought the alley was not vacated. Mr. Evers stated that he thought the alley was vacated. Engineer Guzzi stated that he would find out whether or not the alley was vacated.

Mayor Muchowski stated that the applicant is using the vacation as their buffer. Mr. Evers stated that they had done extensive deed research to the properties to the rear. He stated that their deeds had been modified to show the addition of the 10'. Some of the fences are located at the centerline of the alley.

Engineer Guzzi returned to the discussion of the parking spaces/drive aisle. He stated that he had made the suggestion to reduce the length of the outside parking spaces to add the extra foot to the drive aisle to improve the maneuverability around the site. The spaces in front of the buildings are conforming spaces.

Attorney Singer stated that this was item 1 in Mr. Guzzi's report dated October 13, 2006. Item 2 discusses consolidation of the 2 lots and the applicant agrees to consolidate the 2 lots. Item 3 deals with the parking for the apartments. Two adjacent parking spots are being proposed. Mr. Evers stated that the two spaces will be closest to the apartments and will be signed for apartment parking only. Item 4 regarding the parking spaces 15' from the right of way where 20' are required. Mr. Evers stated that in order to provide enough parking spaces for the proposed retail and the revamped restaurant they had to push the parking area closer to the right of way line. Mr. Evers stated that there would be landscaping in the buffer area. Item 5 the loading space currently is proposed behind the new retail store. There is no area behind the restaurant for loading.

Solicitor Abbott swore in Guiseppe (Joseph) Gallina, who resides at 6 Pelle Court, Florence, NJ. Mr. Gallina stated that he is proposing a restaurant in part of the building. Currently Mr. Gallina is operating a pizzeria at 2080 Route 130, Florence. This business will be moved to the new location. Mr. Gallina indicated that deliveries from vendors are received when he wants. Currently deliveries are made once a week at 7:00 A.M. on Mondays. Deliveries are made by a box truck.

Mayor Muchowski asked if the site could handle a tractor-trailer. Attorney Singer stated that the site was not designed for a tractor-trailer. Mayor Muchowski asked if the applicant would be willing to restrict as a matter of the site plan the maximum size of the truck and the delivery hours as well as trash collection hours? He said that the Board has restricted deliveries and trash collection in other commercial sites that abut residential sites.

Mr. Gallina agreed to restrict tractor-trailers from the site. Mr. Gallina agreed to restrict deliveries and trash collection to the hours of 8:00 A.M. and 6:00 P.M. Member Napolitan asked if trash trucks would be able to maneuver the site. Engineer Guzzi stated that the applicant had provided turning templates on one of the plans. He stated that with the better lane and improved entrance a trash truck would be able to enter the site. Mr. Evers stated that the trash enclosure would be made of concrete block and stucco. The gate in the front will have slats to minimize the viewing of the dumpster. There is only one trash location due to space limitation and parking requirements and they are hoping to keep some existing trees.

Item 7 Mr. Evers stated that they would comply with the requirements from NJDOT for the access plan to the site. Item 8 regarding the lighting plan. Mr. Evers stated that they would be providing the lighting plan. Mr. Evers stated that they agree with Items 9, 10, 11, 12, 13, 14, and 15.

Item 16 regarding the 2 apartments under the existing conditions. More testimony could be provided on this if necessary. Item 17 a variance is required for the buffer requirement on the southwest side of the building. The existing building is only 7' – 8' off of the property line. Item 18 the variance for the drive aisle is no longer required.

Attorney Singer directed the Board to the Planner's report revised on October 12, 2006. He stated that the variances for side yard setback and front yard setback are existing conditions. Item 5.4 suggests that the stormwater basin is a structure. Attorney Singer stated that the basin is not a structure. Planner Hintz agreed that the basin is not a structure and therefore does not require a variance.

Item 5.5 Planner Hintz asked for the width of the parking spaces. Mr. Evers said the spaces in front of the proposed retail building are 10' x 20'. There are spaces in front of the proposed restaurant that are 10' x 20' and there is one space that is 11.8' x 20'. The 2 spaces for the apartments in the back are 9' x 20'. The rest of the parking is 9' x 19'.

Member Smith asked about the parking space in the corner facing Rt. 130. Mr. Evers stated that you could back out of the space. Mr. Smith said that with a 9' wide parking spot you have no maneuverability. Mr. Evers stated that there would be enough room for a car to back up and maneuver out. Member Fratinardo said that this space might set up a situation for confrontations. Mr. Evers stated that the proposed parking is similar to the parking in the Municipal lot. Mr. Smith said that he did not think that cars would be able to easily exit this space.

Planner Hintz asked how many parking spaces were proposed. Mr. Evers said there were 40 spaces proposed and 40 spaces required. Attorney Singer asked the Board if they would prefer to eliminate the one space and make the rest of the spaces wider. Mr. Evers said that this would require a variance for 39 parking spaces.

Member Smith asked if they could extend the detention basin further back to allow for larger parking spaces. Mr. Evers stated that because of the existing topography if they tried to extend the basin further back, besides losing one tree, they would lose the volume and have to go deeper with the basin. They can't really do this because of the seasonal high water table.

Mayor Muchowski said that the Board is proposing to give up a space where there are only 40 in a tight site to gain a foot. He said that he doesn't believe that one foot meets the concern. He reminded the applicant that you could minimize the building. Mayor Muchowski stated that there are 6 potential uses sharing the 40 parking spaces.

Mayor Muchowski asked if they had skipped over Item 5.1. He asked if there is one big apartment or 2 apartments. Mr. Gallina stated that currently there is one big apartment of 1,672 square feet. Mr. Gallina said the existing apartment is too big he is proposing to split the space into 2 units measuring 596 square feet and 942 square feet.

Mr. Gallina stated that he could easily divide the current apartment. Chairperson Hamilton-Wood asked what the floor plan of the existing apartment was. Mr. Gallina stated that there are 2 full bathrooms and 6 other rooms. Engineer Guzzi stated that a variance is required for the smaller apartment because the minimum requirement is 850 square feet. Mayor Muchowski asked about restricting one of the 2 apartments as a COAH unit. Attorney Singer stated that he had not discussed that with Mr. Gallina yet because he did not have specific information regarding the income limits and the allowable rent. Planner Hintz stated that he could supply this information.

Mr. Gallina stated that the small apartment would have 2 bedrooms, a big kitchen and a bathroom. The larger apartment would have 3 bedrooms, large living room, large kitchen and a bathroom. Mayor Muchowski asked about the apartment with no living room. Engineer Guzzi stated that there would be a 12' x 12' room that would be kitchen, living room and dining room all in one.

Mayor Muchowski said that it would be difficult for the Board to justify granting a variance for a second apartment that is undersized that doesn't include a living room. Attorney Singer asked if Mr. Gallina would consider converting one of the bedrooms in the 2 bedroom apartment into a living room. Mr. Gallina agreed to have one bedroom, kitchen and a bathroom.

Mayor Muchowski stated that it might be beneficial to look at the undersized apartment as a COAH unit because the new building will generate a COAH obligation. Attorney Singer stated that he would reach out to Planner Hintz regarding the COAH requirements.

Item 5.6 pertains to the proposed buffers. Attorney Singer asked Mr. Evers to give an explanation of the buffers. Mayor Muchowski asked about a utility easement on the back of the property. This is a vacated alley that is still a utility easement. Engineer Guzzi stated that the landscaping plan stops at the utility easement.

Mr. Evers said that the main buffer was a 25' buffer between the residential properties to the rear and the commercial property. There is a 20' wide utility easement. The sanitary sewer is centered on the property line and there is one manhole shown on the utility plan on the applicant's side. The water that feeds the properties towards Rt. 130 runs along that easement also.

The buffer to the south if held to the edge of the building would be a minimum of 5.8' wide. At the rear of the building it is 11.5' wide. To the northeast side there is no buffer shown because Lot 2 is going to be a commercial use.

There are 2 existing trees behind the retention basin that will remain. The plan shows a wooded area passing through Lot 2. This is an existing condition. There is some planting proposed in front of the curb and parking area.

Mayor Muchowski asked if on the north side where the basin is, just because this is a commercial use is there no buffering requirement? He also asked if there was a safety concern because the basin was on the lot line.

Engineer Guzzi stated that the buffering requirement kicks in if it is adjacent to a residential use or a residential zone. This is a Neighborhood Commercial zone so if it is a commercial use or vacant there is no buffer requirement. Obviously there would be landscaping required for the basin.

Mayor Muchowski stated that he had a safety concern regarding the basin. Mr. Evers stated that they had proposed a 4' chain link fence on all sides of the basin. There will be a gate toward the developed side for maintenance. Mr. Evers stated that the applicant would be responsible for maintenance of the basin.

Mayor Muchowski said that he did not feel that the buffer issue had been addressed. Attorney Singer stated that he would like to save this for Final and have the applicant's architect call Planner Hintz and work things out with him. Mayor Muchowski stated that the rear of the site is a big area of concern. Planner Hintz stated that the applicant is using a lot of shrubs. There should be more evergreen trees to create a denser buffer. Attorney Singer stated that they would address this before the Final approval.

Attorney Singer addressed Item 4 on page 7 regarding the proposed loading zone behind the building. Mr. Evers stated that the loading zone was located behind the proposed retail store. In order to achieve the single unit turning radius' they are using a loading zone of 12' X 85' rather than a width of 15'. This will require a variance. Mr. Evers stated that they are restricted on the site and this is the best place for the loading/unloading zone to be located.

Attorney Singer asked if the signage and the façade sign could be held until Final approval when the architect would be in attendance. The intent is to renovate and utilize the existing sign.

Attorney Singer stated that according to the planner's report there is too much lighting on the site. He asked that his engineer meet with the Board's staff and modify the lighting plan prior to the Final approval. The applicant will look at proposing alternate lighting fixtures and avoiding spillover lighting.

Attorney Singer stated that he didn't think the landscaping would be a problem. The applicant will work with the suggestion and proposed revisions from the Board Planner.

Attorney Singer stated that he would prefer to keep the architectural until the Final approval.

Attorney Singer asked Mr. Gallina about the location of the walk-in freezer. Mr. Gallina stated that the freezer would be located on the back of the building. This would allow more room inside the restaurant. Mayor Muchowski stated that this was not a common practice in Florence Township. Member Napolitan asked where the freezer was proposed to be located. Mr. Evers said that the architect would be placing the freezer on the backside of the building. Planner Hintz said that the freezer shows on the architectural plan but is not shown on the site plan.

Chairperson Hamilton-Wood asked how big the freezer box would be. Mr. Gallina stated that it would be 14' x 10'. Mayor Muchowski said that there was 1,000 square feet of retail. You could reduce this and locate the freezer inside of the building.

Mr. Gallina gave the proposed floor plan of the building. He stated that he would prefer to have the freezer box at the back. Attorney Singer stated that he would speak to the applicant and the architect about building an enclosure around the freezer. Mayor Muchowski stated that he would not be agreeable to that. There is ample space in the building that is being renovated to put the freezer inside the building.

Member Napolitan stated that from his experience from the business that he is in, boxes are put outside because it eases the ability to service it. Also it increases the heat in the building, which affects the air conditioning of the building. Usually it is something the can be moved if the business is moved. Member Napolitan stated that they are generally not exceptionally noisy, no more than an air conditioning unit.

Mayor Muchowski stated that he had been on the Planning Board for 7 years and he did not recall approving one outside freezer box. Mayor Muchowski stated that this is an extension of the building. Solicitor Abbott stated that this would be considered a structure. Attorney Singer said that the site plan does not show the freezer box. He asked the Board to consider this plan. If the applicant wants to put the box outside they will ask for an amendment. Mayor Muchowski stated that he thought this would be a variance as well because it would be expansion of a non-conforming use. He asked if there was a setback requirement. Engineer Guzzi stated that the freezer as proposed on the architectural plan would meet the side yard setback. The ordinance requires 20'. The freezer is proposed at 20.5'. Attorney Singer stated that if they decide to amend the plan they would like to let the architect come in and explain the benefits of having the box outside. If the Board decides that they do not want the box outside the applicant will live with that.

Attorney Singer stated that there is a slight variation between the square footage shown on the site plan and the architectural plan.

Mayor Muchowski stated that when strip centers have been proposed abutting residential zones the Board has requested a mansard type roof at the rear to shield the utilities from the neighbors view.

Attorney Singer stated that the exterior doors don't match and he would like to hold this until Final when the architect will be in attendance.

Attorney Singer requested that the Board grant Preliminary Site Plan approval with the understanding that the applicant will address the comments as indicated and resolve all outstanding issues before Final.

Mayor Muchowski asked about the design of the apartments. If the Board approves Preliminary do they give up the right to discuss the apartments? Attorney Singer said absolutely not. He said that he was not looking for the Board to resolve the issue of the apartments at this time. He stated that he would like to bring the architect in to testify with regard to the apartments and work out the COAH requirement with Planner Hintz.

Chairperson Hamilton-Wood asked how the Board could approve the Preliminary without approving the apartments. Solicitor Abbott stated that there would be a condition that the applicant would work with the Board Planner to resolve the design of the apartment.

Engineer Guzzi stated that there would be a variance required for the smaller apartment because the ordinance calls for a minimum of 850 square feet.

Solicitor Abbott stated that the Board would deny the variance for the minimum square foot per unit without prejudice for the undersized apartment. Attorney Singer said that he wanted to be certain that he could revisit the second apartment at the time of Final after all the details had been worked out. Solicitor Abbott stated that denying without prejudice would insure that the apartment could be considered at a later time.

Mayor Muchowski said if there would be a 4 bedroom apartment then the parking would be adequate. The applicant will present a 2 bedroom apartment to the Board and show the Board how it will work.

Solicitor Abbott stated that the applicant was asking for Preliminary approval with variances for minimum square foot per unit, front yard setback for the existing building, side yard setback, number of trash enclosures, buffer from the property line, parking setback in the front yard and design standard waivers for environmental impact statement, parking space size, and the street line buffer.

Mayor Muchowski said that he was looking for enhanced buffering on the back of the site.

Solicitor Abbott stated that the conditions would be compliance to all the items the applicant has agreed to on the record including that the 2 lots shall be consolidated.

There will be signage posted restricted the 4 specified spaces to use by residents only. The landscape plan will be determined by the Board Planner prior to Final approval. Architectural detail for the sign will be considered as part of Final approval. This includes the renovated existing free standing sign as well as the façade signs. The lighting issues will be resolved by the Board Planner prior to Final approval. The buffers and basin plantings will be determined by the Board's Planner and the applicant's engineer prior to Final. The architectural plans will be resolved prior to Final approval. The box freezer is not part of this site plan. The applicant will have to submit an amended site plan if they choose to pursue the issue of the outside box freezer. There will be no tractor-trailer deliveries to the site. All deliveries will be between the hours of 8:00 A.M. and 6:00 P.M. and trash pickup will be between the hours of 7:00 A.M. and 6:00 P.M. The applicant will comply with all COAH requirements. Revised architectural and floor plans will be submitted. Rooftop utilities will be shielded from public view.

Mayor Muchowski stated that there should be a wrap around aesthetically pleasing affect on the back of the building with openings if needed for servicing of those utility rooftop units.

Chairperson Hamilton-Wood asked if there would be a restriction on other food service stores. Attorney Singer asked if a purely take-out store like ice cream would be a problem? Mayor Muchowski stated that it could potentially be a problem due to the relocation of the pizzeria due to venting of food odors. He stated that at the Shoppes at Mallard Creek they agreed to only retail uses. Attorney Singer said that prior to any food service with tables would have to come back before the Board. Mayor Muchowski stated that there couldn't be any food service with tables because they are at the limit with parking. Mr. Gallina agreed to no additional food service retail on the site.

Motion by Fratinardo, seconded by Napolitan to open the hearing to the public. Seeing no one wishing to testify; motion was made by Fratinardo, seconded by Napolitan to close the public hearing. Motion unanimously approved by all members present.

Motion of Muchowski, seconded by Fratinardo to deny the variance for the undersized apartment without prejudice.

Upon roll call the Board voted as follows:

YEAS:	Fratinardo, Muchowski, Napolitan, Smith, Stockhaus, Hamilton-Wood, DeAngelis
NOES:	None
ABSENT:	O'Hara

Motion of Muchowski, seconded by Fratinardo granting Preliminary approval with the variances and design waivers as previously stated.

Upon roll call the Board voted as follows:



YEAS: Fratinardo, Muchowski, Stockhaus, Hamilton-Wood, DeAngelis,  
Napolitan  
NOES: Smith  
ABSENT: O'Hara

The Board took a 5 minute recess. The Board returned to the regular order of business.

Member DeAngelis left the meeting at 9:55 P.M.

Chairperson Hamilton-Wood called for application PB#2006-23 for Harold M. Boston. Applicant is requesting Preliminary and Final Major Site plan approval for a 26,751 square foot office building on property located at 837 Railroad Avenue, Florence Township. Block 147.01, Lot 3.03.

Jonas Singer, attorney for Boston Properties stated that this was an application for an office building in the new SM zone. Attorney Singer stated that they had Planner Hintz's report dated October 12, 2006 and Engineer Guzzi's report dated October 6, 2006.

Attorney Singer amended the application to be only for Preliminary at this time.

Attorney Singer stated that Planner Hintz's letter addressed several completeness issues. He stated that the tax collector's certification had been submitted showing that the taxes were current for the property.

Attorney Singer stated that Planner Hintz's report had been received over the weekend. Patrick Ennis the applicant's engineer had updated the Environmental Impact Study; they do have a letter of exemption from the NJDEP. The applicant has addressed the issue of structures and wooded areas and the statement of proposed use. These items would be submitted tonight, as there was not time prior to the meeting.

There are no signs identifying the site. The building coverage and impervious coverage have been submitted in acres as requested. The circulation and parking details have been completed.

In regards to the buffering and landscaping deficiencies Attorney Singer indicated that he would like the applicant's landscape engineer to meet with Planner Hintz to discuss the deficiencies.

The location of the recycling center has been added to the plans.

Mayor Muchowski asked about the signage. He stated that he didn't think there would be a large up top identification sign on Railroad Avenue. Attorney Singer said that he thought there would be a small sign that would identify the address of the building but not listing the tenants.

The items called out in Item 52R of the planners report will be submitted. These include the building and use plan, circulation plan, landscaping plan, facilities plan and municipal services and utilities impact statement.

Patrick Ennis, Professional Engineer, from the firm of Lord, Worrell and Richter was sworn in by Solicitor Abbott. Mr. Ennis was previously qualified by this Board. Mr. Ennis stated that he had revised the site plan to show the information listed in Item 52R. The building and use plan and the circulation plan are shown on the site plan. The landscaping plan has been provided. The facilities plan is shown on the utilities plan. They had previously provided a municipal services and utilities plan.

Mayor Muchowski asked what Item 52M full landscaping details in according to this chapter referred to. Planner Hintz stated that there were no buffers shown at all. Mr. Ennis stated that they have shown planting along the edges. He stated that they would be willing to address the issue of the buffer and work with the Planner on filling in a more adequate buffer. Mayor Muchowski stated that there had been a conversation a few months ago where the applicant had asked for a reduction in buffer size and in turn they were going to give enhanced buffering. Attorney Singer stated that Mayor Muchowski was absolutely right. He stated that he did recall the conversation where the applicant asked for a reduction in the area of the buffers in exchange for a more enhanced buffering. Unfortunately this has not been done yet. Attorney Singer stated that a landscape plan has been submitted.

Planner Hintz stated that there is no buffer at all just parking lot trees. Attorney Singer stated that they would provide this. Solicitor Abbott stated that this would be a completeness waiver.

Attorney Singer moved on to Engineer Guzzi's letter dated October 6, 2006. Mr. Ennis stated that Item A. The Municipal Services Impact Statement had been submitted. Engineer Guzzi stated that he had not received this although it had been submitted to the Board office.

Mr. Ennis stated that Item B the Variance Checklist had been submitted on October 9, 2006. For Item C the contours were based on the 1929 datum. Their survey plan now represents that. The zoning boundary has been put on the site plan that will be submitted tonight. Mr. Ennis stated that the zoning was shown on the plan but it was incorrect.

Mr. Ennis stated that they have complied with item E. The trees have been identified by species and size. Item F the septic system is shown to be at the rear of the existing house. Item G the buffer will be enhanced. Item H the recycling center will be put where the trash dumpsters are located. Item I a written description of the use has been added to the plan and it will be an office use. Attorney Singer stated that the testimony was that this would be a mixture between medical and general office use.

The Board discussed the parking requirements for medical offices versus general offices. Attorney Singer stated that they had submitted a traffic report addressing the parking and the mix and the on site circulation.

Solicitor Abbott stated that there were 3 waivers requested. Engineer Guzzi said that they hadn't technically submitted all the things that they said they had. Solicitor Abbott stated that if they had submitted these items the application could be deemed complete. They couldn't move on to the substantive hearing until the Board's Engineer and Planner had time to review the submissions. Mr. Ennis submitted all the items to the Board's Professional staff.

Mayor Muchowski asked how there was no buffer at this time. Attorney Singer stated that it should have been submitted. This was one of the Board's big issues and it should have been done.

Solicitor Abbott asked about the practicality of having another staff meeting prior to the next meeting. Attorney Singer agreed to the staff meeting and would like to have the meeting as soon as possible.

Solicitor Abbott stated that waivers were required for the existing and proposed signs, freestanding sign details showing location and dimension and full landscaping details in accordance with the standards of the chapter.

Motion of Muchowski, seconded by Stockhaus to grant the waivers and deem the application complete as stated.

Upon roll call the Board voted as follows:

YEAS:	Fratinardo, Muchowski, Napolitan, Smith, Stockhaus, Hamilton Wood Ryan
NOES:	None
ABSENT:	O'Hara

Motion of Muchowski, seconded by Hamilton-Wood to go into closed session. Motion unanimously approved by all members present.

The Board returned to the regular order of business.

Motion by Stockhaus, seconded by Ryan to adjourn. Motion unanimously approved by all members present.

---

John T. Smith, Secretary